

AMENDED IN ASSEMBLY APRIL 27, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 179

Introduced by ~~Committee on Business and Professions~~ (Assembly Members ~~Bonilla (Chair), Bloom, Dodd, Gatto, Holden, Mullin, Ting, and Wood~~) Assembly Member Bonilla
(Coauthor: Senator Hill)

January 26, 2015

An act to amend Sections ~~1601.1 and 1616.5~~ of 205, 726, 1601.1, 1616.5, 1632, 1638, 1638.1, 1638.3, 1646.6, 1647.8, 1724, 1725, 1752.1, 2841, 2847, 2894, 4501, 4503, and 4547 of, to repeal Section 1752.3, of and to add Section 1650.1 to, the Business and Professions Code, relating to ~~dentistry~~; healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 179, as amended, ~~Committee on Business and Professions~~ Bonilla.
~~Dentistry~~; Healing arts.

(1) Under Existing law, the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer is unprofessional conduct, except that it is not unprofessional conduct when sexual contact is between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship, as specified.

This bill would expand the exception by providing that it would not be unprofessional conduct when sexual contact is between a licensee and his or her spouse or person in an equivalent domestic relationship, as specified.

~~Existing law~~

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental assistants by the Dental Board of

California within the Department of Consumer Affairs, which consists of 8 practicing dentists, a registered dental hygienist, a registered dental assistant, and 5 public members, and authorizes the board to appoint an executive officer to exercise powers and perform duties delegated by the board to him or her. These provisions are in effect only until January 1, 2016, and upon repeal of those provisions the board will be subject to review by the appropriate policy committees of the Legislature. *The act proscribes various fees that are required to be paid by dentists and dental assistants for, among other things, an initial license and the renewal of that license. The act also authorizes the board to license a person as a registered dental assistant if he or she meets certain requirements, including a written and practical examination.*

This bill would extend ~~those~~ *the provisions relating to the Dental Board until January 1, 2020. The bill would also change various fees that would be required to be paid by a dentist, a dental assistant, or certain educational programs, as specified. The bill would, on and after January 1, 2016, require that an initial license for a dentist be no greater than \$1,200 and would require the fee for the renewal of that license to be no greater than \$1,200. The bill would also require, by July 1, 2016, every applicant and licensee under the act to report to the board his or her electronic mail address, and would require the board to annually send an electronic notice to each applicant and licensee that requests confirmation of the applicant's or licensee's electronic mail address. The bill would require the board, in consultation with the Office of Professional Examination Services, to determine by January 1, 2017, whether a practical examination is necessary to demonstrate the competency of registered dental assistants and, if the board determines that a practical examination is necessary, to submit that determination to the appropriate policy committees of the Legislature and to administer the examination, as specified.*

(3) Existing law provides for the licensure and regulation of vocational nurses under the Vocational Nursing Practice Act, and psychiatric technicians under the Psychiatric Technicians Law, by the Board of Vocational Nursing and Psychiatric Technicians of the State of California. Existing law repeals these provisions on January 1, 2016.

This bill would extend the repeal date of the provisions relating to the board to January 1, 2018.

(4) Existing law establishes the Vocational Nursing and Psychiatric Technicians Fund in the State Treasury, and establishes the Vocational

Nurses Account and the Psychiatric Technicians Examiners Account within the fund. Existing law authorizes the Board of Vocational Nursing and Psychiatric Technicians of the State of California to collect specified fees and fines related to the board's licensure and regulation of psychiatric technicians, and prohibits the board from charging expenses for these activities from any other source.

This bill would remove that prohibition, abolish the Vocational Nurses Account and the Psychiatric Technicians Examiners Account, and specify that all money in the Vocational Nursing and Psychiatric Technicians Fund shall be used to carry out the Vocational Nursing Practice Act and the Psychiatric Technicians Law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 205 of the Business and Professions Code
- 2 is amended to read:
- 3 205. (a) There is in the State Treasury the Professions and
- 4 Vocations Fund. The fund shall consist of the following special
- 5 funds:
- 6 (1) Accountancy Fund.
- 7 (2) California Architects Board Fund.
- 8 (3) Athletic Commission Fund.
- 9 (4) Barbering and Cosmetology Contingent Fund.
- 10 (5) Cemetery Fund.
- 11 (6) Contractors' License Fund.
- 12 (7) State Dentistry Fund.
- 13 (8) State Funeral Directors and Embalmers Fund.
- 14 (9) Guide Dogs for the Blind Fund.
- 15 (10) Home Furnishings and Thermal Insulation Fund.
- 16 (11) California Architects Board-Landscape Architects Fund.
- 17 (12) Contingent Fund of the Medical Board of California.
- 18 (13) Optometry Fund.
- 19 (14) Pharmacy Board Contingent Fund.
- 20 (15) Physical Therapy Fund.
- 21 (16) Private Investigator Fund.
- 22 (17) Professional Engineer's and Land Surveyor's Fund.
- 23 (18) Consumer Affairs Fund.
- 24 (19) Behavioral Sciences Fund.

- 1 (20) Licensed Midwifery Fund.
- 2 (21) Court Reporters' Fund.
- 3 (22) Veterinary Medical Board Contingent Fund.
- 4 (23) ~~Vocational Nurses Account of the Vocational Nursing and~~
- 5 ~~Psychiatric Technicians Fund.~~
- 6 (24) Electronic and Appliance Repair Fund.
- 7 (25) Geology and Geophysics Account of the Professional
- 8 Engineer's and Land Surveyor's Fund.
- 9 (26) Dispensing Opticians Fund.
- 10 (27) Acupuncture Fund.
- 11 (28) Physician Assistant Fund.
- 12 (29) Board of Podiatric Medicine Fund.
- 13 (30) Psychology Fund.
- 14 (31) Respiratory Care Fund.
- 15 (32) Speech-Language Pathology and Audiology and Hearing
- 16 Aid Dispensers Fund.
- 17 (33) Board of Registered Nursing Fund.
- 18 ~~(34) Psychiatric Technician Examiners Account of the~~
- 19 ~~Vocational Nursing and Psychiatric Technicians Fund.~~
- 20 ~~(35)~~
- 21 (34) Animal Health Technician Examining Committee Fund.
- 22 ~~(36)~~
- 23 (35) State Dental Hygiene Fund.
- 24 ~~(37)~~
- 25 (36) State Dental Assistant Fund.
- 26 ~~(38)~~
- 27 (37) Structural Pest Control Fund.
- 28 ~~(39)~~
- 29 (38) Structural Pest Control Eradication and Enforcement Fund.
- 30 ~~(40)~~
- 31 (39) Structural Pest Control Research Fund.
- 32 (b) For accounting and recordkeeping purposes, the Professions
- 33 and Vocations Fund shall be deemed to be a single special fund,
- 34 and each of the several special funds therein shall constitute and
- 35 be deemed to be a separate account in the Professions and
- 36 Vocations Fund. Each account or fund shall be available for
- 37 expenditure only for the purposes as are now or may hereafter be
- 38 provided by law.
- 39 *SEC. 2. Section 726 of the Business and Professions Code is*
- 40 *amended to read:*

726. (a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this ~~division~~, *division* or under any initiative act referred to in this ~~division~~ and under Chapter 17 (~~commencing with Section 9000~~) of Division 3. *division*.

This

(b) This section shall not apply to sexual contact between a ~~physician and surgeon licensee~~ and his or her spouse or person in an equivalent domestic relationship when that ~~physician and surgeon licensee~~ provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

SECTION 1.

SEC. 3. Section 1601.1 of the Business and Professions Code is amended to read:

1601.1. (a) There shall be in the Department of Consumer Affairs the Dental Board of California in which the administration of this chapter is vested. The board shall consist of eight practicing dentists, one registered dental hygienist, one registered dental assistant, and five public members. Of the eight practicing dentists, one shall be a member of a faculty of any California dental college, and one shall be a dentist practicing in a nonprofit community clinic. The appointing powers, described in Section 1603, may appoint to the board a person who was a member of the prior board. The board shall be organized into standing committees dealing with examinations, enforcement, and other subjects as the board deems appropriate.

(b) For purposes of this chapter, any reference in this chapter to the Board of Dental Examiners shall be deemed to refer to the Dental Board of California.

(c) The board shall have all authority previously vested in the existing board under this chapter. The board may enforce all disciplinary actions undertaken by the previous board.

(d) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

1 ~~SEC. 2.~~

2 ~~SEC. 4.~~ Section 1616.5 of the Business and Professions Code
3 is amended to read:

4 1616.5. (a) The board, by and with the approval of the director,
5 may appoint a person exempt from civil service who shall be
6 designated as an executive officer and who shall exercise the
7 powers and perform the duties delegated by the board and vested
8 in him or her by this chapter.

9 (b) This section shall remain in effect only until January 1, 2020,
10 and as of that date is repealed, unless a later enacted statute, that
11 is enacted before January 1, 2020, deletes or extends that date.

12 ~~SEC. 5. Section 1632 of the Business and Professions Code is~~
13 ~~amended to read:~~

14 1632. (a) The board shall require each applicant to successfully
15 complete the Part I and Part II written examinations of the National
16 Board Dental Examination of the Joint Commission on National
17 Dental Examinations.

18 (b) The board shall require each applicant to successfully
19 complete an examination in California law and ethics developed
20 and administered by the board. The board shall provide a separate
21 application for this examination. The board shall ensure that the
22 law and ethics examination reflects current law and regulations,
23 and ensure that the examinations are randomized. Applicants shall
24 submit this application and required fee to the board in order to
25 take this examination. In addition to the aforementioned
26 application, the only other requirement for taking this examination
27 shall be certification from the dean of the qualifying dental school
28 attended by the applicant that the applicant has graduated, or will
29 graduate, or is expected to graduate. Applicants who submit
30 completed applications and certification from the dean at least 15
31 days prior to a scheduled examination shall be scheduled to take
32 the examination. Successful results of the examination shall, as
33 established by board regulation, remain valid for two years from
34 the date that the applicant is notified of having passed the
35 examination.

36 (c) Except as otherwise provided in Section 1632.5, the board
37 shall require each applicant to have taken and received a passing
38 score on one of the following:

39 (1) A portfolio examination of the applicant's competence to
40 enter the practice of dentistry. This examination shall be conducted

1 while the applicant is enrolled in a dental school program at a
2 board-approved school located in California. This examination
3 shall utilize uniform standards of clinical experiences and
4 competencies, as approved by the board pursuant to Section 1632.1.
5 The applicant shall pass a final assessment of the submitted
6 portfolio at the end of his or her dental school program. Before
7 any portfolio assessment may be submitted to the board, the
8 applicant shall remit *the required fee* to the board ~~a three hundred~~
9 ~~fifty dollar (\$350) fee~~, to be deposited into the State Dentistry
10 Fund, and a letter of good standing signed by the dean of his or
11 her dental school or his or her delegate stating that the applicant
12 has graduated or will graduate with no pending ethical issues.

13 (A) The portfolio examination shall not be conducted until the
14 board adopts regulations to carry out this paragraph. The board
15 shall post notice on its Internet Web site when these regulations
16 have been adopted.

17 (B) The board shall also provide written notice to the Legislature
18 and the Legislative Counsel when these regulations have been
19 adopted.

20 (2) A clinical and written examination administered by the
21 Western Regional Examining Board, which board shall determine
22 the passing score for that examination.

23 (d) Notwithstanding subdivision (b) of Section 1628, the board
24 is authorized to do either of the following:

25 (1) Approve an application for examination from, and to
26 examine an applicant who is enrolled in, but has not yet graduated
27 from, a reputable dental school approved by the board.

28 (2) Accept the results of an examination described in paragraph
29 (2) of subdivision (c) submitted by an applicant who was enrolled
30 in, but had not graduated from, a reputable dental school approved
31 by the board at the time the examination was administered.

32 In either case, the board shall require the dean of that school or
33 his or her delegate to furnish satisfactory proof that the applicant
34 will graduate within one year of the date the examination was
35 administered or as provided in paragraph (1) of subdivision (c).

36 *SEC. 6. Section 1638 of the Business and Professions Code is*
37 *amended to read:*

38 1638. (a) For purposes of this article, “oral and maxillofacial
39 surgery” means the diagnosis and surgical and adjunctive treatment
40 of diseases, injuries, and defects which involve both functional

1 and esthetic aspects of the hard and soft tissues of the oral and
2 maxillofacial region.

3 (b) Any person licensed under the Medical Practice Act (Chapter
4 5 (commencing with Section 2000)) as a physician and surgeon
5 who possesses, or possessed, a license to practice dentistry in
6 another state, but is not licensed to practice dentistry under this
7 chapter may apply to the board on a form prescribed by the board
8 for an oral and maxillofacial surgery permit.

9 (c) The board may issue an oral and maxillofacial surgery permit
10 to an applicant who has furnished evidence satisfactory to the
11 board that he or she is currently certified or eligible for certification
12 in oral and maxillofacial surgery by a specialty board recognized
13 by the Commission on Accreditation of the American Dental
14 Association and holds a current license in good standing to practice
15 medicine in the state.

16 (d) An application shall be accompanied by an application fee
17 of one hundred fifty dollars (\$150) required by the board and two
18 classifiable sets of fingerprints on forms provided by the board.

19 *SEC. 7. Section 1638.1 of the Business and Professions Code*
20 *is amended to read:*

21 1638.1. (a) (1) A person licensed pursuant to Section 1634
22 who wishes to perform elective facial cosmetic surgery shall first
23 apply for and receive a permit to perform elective facial cosmetic
24 surgery from the board.

25 (2) A permit issued pursuant to this section shall be valid for a
26 period of two years and must be renewed by the permitholder at
27 the time his or her license is renewed. Every six years, prior to
28 renewal of the permitholder's license and permit, the permitholder
29 shall submit evidence acceptable to the credentialing committee
30 that he or she has maintained continued competence to perform
31 the procedures authorized by the permit. The credentialing
32 committee may limit a permit consistent with paragraph (1) of
33 subdivision (e) if it is not satisfied that the permitholder has
34 established continued competence.

35 (b) The board may adopt regulations for the issuance of the
36 permit that it deems necessary to protect the health, safety, and
37 welfare of the public.

38 (c) A licensee may obtain a permit to perform elective facial
39 cosmetic surgery by furnishing all of the following information
40 on an application form approved by the board:

1 (1) Proof of successful completion of an oral and maxillofacial
2 surgery residency program accredited by the Commission on Dental
3 Accreditation of the American Dental Association.

4 (2) Proof that the applicant has satisfied the criteria specified
5 in either subparagraph (A) or (B):

6 (A) (i) Is certified, or is a candidate for certification, by the
7 American Board of Oral and Maxillofacial Surgery.

8 (ii) Submits to the board a letter from the program director of
9 the accredited residency program, or from the director of a
10 postresidency fellowship program accredited by the Commission
11 on Dental Accreditation of the American Dental Association,
12 stating that the licensee has the education, training, and competence
13 necessary to perform the surgical procedures that the licensee has
14 notified the board he or she intends to perform.

15 (iii) Submits documentation to the board of at least 10 operative
16 reports from residency training or proctored procedures that are
17 representative of procedures that the licensee intends to perform
18 from both of the following categories:

19 (I) Cosmetic contouring of the osteocartilaginous facial structure,
20 which may include, but is not limited to, rhinoplasty and otoplasty.

21 (II) Cosmetic soft tissue contouring or rejuvenation, which may
22 include, but is not limited to, facelift, blepharoplasty, facial skin
23 resurfacing, or lip augmentation.

24 (iv) Submits documentation to the board showing the surgical
25 privileges the applicant possesses at any licensed general acute
26 care hospital and any licensed outpatient surgical facility in this
27 state.

28 (B) (i) Has been granted privileges by the medical staff at a
29 licensed general acute care hospital to perform the surgical
30 procedures set forth in paragraph (A) at that hospital.

31 (ii) Submits to the board the documentation described in clause
32 (iii) of subparagraph (A).

33 (3) Proof that the applicant is on active status on the staff of a
34 general acute care hospital and maintains the necessary privileges
35 based on the bylaws of the hospital to maintain that status.

36 (d) The application shall be accompanied by an application fee
37 ~~of five hundred dollars (\$500)~~ *required by the board* for an initial
38 permit. The fee to renew a permit shall be ~~two hundred dollars~~
39 ~~(\$200)~~; *not exceed the maximum amount prescribed in Section*
40 *1724.*

(e) (1) The board shall appoint a credentialing committee to review the qualifications of each applicant for a permit. Upon completion of the review of an applicant, the committee shall make a recommendation to the board on whether to issue or not issue a permit to the applicant. The permit may be unqualified, entitling the permitholder to perform any facial cosmetic surgical procedure authorized by this section, or it may contain limitations if the credentialing committee is not satisfied that the applicant has the training or competence to perform certain classes of procedures, or if the applicant has not requested to be permitted for all procedures authorized by this section.

(2) The credentialing committee shall be comprised of five members, as follows:

(A) A physician and surgeon with a specialty in plastic and reconstructive surgery who maintains active status on the staff of a licensed general acute care hospital in this state.

(B) A physician and surgeon with a specialty in otolaryngology who maintains active status on the staff of a licensed general acute care hospital in this state.

(C) Three oral and maxillofacial surgeons licensed by the board who are board certified by the American Board of Oral and Maxillofacial Surgeons, and who maintain active status on the staff of a licensed general acute care hospital in this state, at least one of whom shall be licensed as a physician and surgeon in this state. Two years after the effective date of this section, any oral and maxillofacial surgeon appointed to the committee who is not licensed as a physician and surgeon shall hold a permit pursuant to this section.

(3) The board shall solicit from the following organizations input and recommendations regarding members to be appointed to the credentialing committee:

(A) The Medical Board of California.

(B) The California Dental Association.

(C) The California Association of Oral and Maxillofacial Surgeons.

(D) The California Medical Association.

(E) The California Society of Plastic Surgeons.

(F) Any other source that the board deems appropriate.

(4) The credentialing committee shall meet at a time and place directed by the board to evaluate applicants for permits. A quorum

1 of three members shall be required for the committee to consider
2 applicants and make recommendations to the board.

3 (f) A licensee may not perform any elective, facial cosmetic
4 surgical procedure except at a general acute care hospital, a licensed
5 outpatient surgical facility, or an outpatient surgical facility
6 accredited by the Joint Commission on Accreditation of Healthcare
7 Organizations (JCAHO), the American Association for Ambulatory
8 Health Care (AAAHC), the Medicare program, or an accreditation
9 agency approved by the Medical Board of California pursuant to
10 subdivision (g) of Section 1248.1 of the Health and Safety Code.

11 (g) For purposes of this section, the following terms shall have
12 the following meanings:

13 (1) "Elective cosmetic surgery" means any procedure defined
14 as cosmetic surgery in subdivision (d) of Section 1367.63 of the
15 Health and Safety Code, and excludes any procedure that
16 constitutes reconstructive surgery, as defined in subdivision (c) of
17 Section 1367.63 of the Health and Safety Code.

18 (2) "Facial" means those regions of the human body described
19 in Section 1625 and in any regulations adopted pursuant to that
20 section by the board.

21 (h) A holder of a permit issued pursuant to this section shall not
22 perform elective facial cosmetic surgical procedures unless he or
23 she has malpractice insurance or other financial security protection
24 that would satisfy the requirements of Section 2216.2 and any
25 regulations adopted thereunder.

26 (i) A holder of a permit shall comply with the requirements of
27 subparagraph (D) of paragraph (2) of subdivision (a) of Section
28 1248.15 of the Health and Safety Code, and the reporting
29 requirements specified in Section 2240, with respect to any surgical
30 procedure authorized by this section, in the same manner as a
31 physician and surgeon.

32 (j) Any violation of this section constitutes unprofessional
33 conduct and is grounds for the revocation or suspension of the
34 person's permit, license, or both, or the person may be reprimanded
35 or placed on probation. Proceedings initiated by the board under
36 this section shall be conducted in accordance with Chapter 5
37 (commencing with Section 11500) of Part 1 of Division 3 of Title
38 2 of the Government Code, and the board shall have all the powers
39 granted therein.

(k) On or before January 1, 2009, and every four years thereafter, the board shall report to the Joint Committee on Boards, Commissions and Consumer Protection on all of the following:

(1) The number of persons licensed pursuant to Section 1634 who apply to receive a permit to perform elective facial cosmetic surgery from the board pursuant to subdivision (a).

(2) The recommendations of the credentialing committee to the board.

(3) The board's action on recommendations received by the credentialing committee.

(4) The number of persons receiving a permit from the board to perform elective facial cosmetic surgery.

(5) The number of complaints filed by or on behalf of patients who have received elective facial cosmetic surgery by persons who have received a permit from the board to perform elective facial cosmetic surgery.

(6) Action taken by the board resulting from complaints filed by or on behalf of patients who have received elective facial cosmetic surgery by persons who have received a permit from the board to perform elective facial cosmetic surgery.

SEC. 8. Section 1638.3 of the Business and Professions Code is amended to read:

1638.3. (a) The fee to renew an oral and maxillofacial surgery permit shall be the same as that for renewal of a dental license as determined under amount prescribed in Section 1724.

(b) Every provision of this chapter applicable to a person licensed to practice dentistry shall apply to a person to whom a special permit is issued under this article.

SEC. 9. Section 1646.6 of the Business and Professions Code is amended to read:

1646.6. (a) The application fee for a permit or renewal under this article shall not exceed ~~two hundred fifty dollars (\$250)~~; the amount prescribed in Section 1724.

(b) The fee for an onsite inspection shall not exceed ~~three hundred fifty dollars (\$350)~~; the amount prescribed in Section 1724.

(c) It is the intent of the Legislature that fees established pursuant to this section be equivalent to administration and enforcement costs incurred by the board in carrying out this article.

(d) At the discretion of the board, the fee for onsite inspection may be collected and retained by a contractor engaged pursuant to subdivision (b) of Section 1646.4.

SEC. 10. Section 1647.8 of the Business and Professions Code is amended to read:

1647.8. (a) The application fee for a permit or renewal under this article shall not exceed ~~two hundred fifty dollars (\$250)~~; the amount prescribed in Section 1724.

(b) The fee for an onsite inspection shall not exceed ~~three hundred fifty dollars (\$350)~~; the amount prescribed in Section 1724.

(c) It is the intent of the Legislature that the board hire sufficient staff to administer the program and that the fees established pursuant to this section be equivalent to administration and enforcement costs incurred by the board in carrying out this article.

SEC. 11. Section 1650.1 is added to the Business and Professions Code, to read:

1650.1. (a) Every applicant and licensee who has an electronic mail address shall report to the board that electronic mail address no later than July 1, 2016. The electronic mail address shall be considered confidential and not subject to public disclosure.

(b) The board shall annually send an electronic notice to each applicant and licensee that requests confirmation from the application or licensee that his or her electronic mail address is current.

SEC. 12. Section 1724 of the Business and Professions Code is amended to read:

1724. The amount of charges and fees for dentists licensed pursuant to this chapter shall be established by the board as is necessary for the purpose of carrying out the responsibilities required by this chapter as it relates to dentists, subject to the following limitations:

(a) The fee for an application for examination ~~shall not exceed five hundred dollars (\$500)~~; licensure qualifying pursuant to paragraph (1) of subdivision (c) of Section 1632 shall not exceed one thousand five hundred dollars (\$1,500). The fee for an application for licensure qualifying pursuant to paragraph (2) of subdivision (c) of Section 1632 shall not exceed one thousand dollars (\$1,000).

1 (b) The fee for *an* application for ~~reexamination~~ shall not exceed
2 ~~one hundred dollars (\$100)~~; *licensure qualifying pursuant to*
3 *Section 1634.1 shall not exceed one thousand dollars (\$1,000)*.

4 (c) The fee for ~~examination and for reexamination~~ shall not
5 exceed eight hundred dollars (\$800). Applicants who are found to
6 be ineligible to take the examination shall be entitled to a refund
7 in an amount fixed by the board; *an application for licensure*
8 *qualifying pursuant to Section 1635.5 shall not exceed one*
9 *thousand dollars (\$1,000)*.

10 (d) The fee for an initial license and for the renewal of a license
11 is five hundred twenty-five dollars (\$525). *On and after January*
12 *1, 2016, the fee for an initial license shall not exceed one thousand*
13 *two hundred dollars (\$1,200), and the fee for the renewal of a*
14 *license shall not exceed one thousand two hundred dollars*
15 *(\$1,200)*.

16 (e) The fee for *an application for* a special permit shall not
17 exceed ~~three hundred dollars (\$300)~~; *one thousand dollars*
18 *(\$1,000)*, and the renewal fee for a special permit shall not exceed
19 ~~one six hundred dollars (\$100)~~; *(\$600)*.

20 (f) The delinquency fee shall be ~~the amount prescribed by~~
21 *Section 163.5: 50 percent of the renewal fee for such a license or*
22 *permit in effect on the date of the renewal of the license or permit*.

23 (g) The penalty for late registration of change of place of
24 practice shall not exceed seventy-five dollars (\$75).

25 ~~(h) The application fee for permission to conduct an additional~~
26 ~~place of practice shall not exceed two hundred dollars (\$200)~~.

27 ~~(i)~~

28 ~~(h)~~ The renewal fee for *an application for an additional place*
29 *of practice office permit* shall not exceed ~~one seven hundred fifty~~
30 ~~dollars (\$100)~~; *(\$750)*, and the fee for the renewal of *an additional*
31 *office permit shall not exceed three hundred seventy-five dollars*
32 *(\$375)*.

33 ~~(j)~~

34 (i) The fee for issuance of a ~~substitute certificate replacement~~
35 *pocket license, replacement wall certificate, or replacement*
36 *engraved certificate* shall not exceed one hundred twenty-five
37 dollars (\$125).

38 ~~(k)~~

39 (j) The fee for a provider of continuing education shall not
40 exceed ~~two five hundred fifty dollars (\$250)~~ *(\$500)* per year.

1 ~~(h)~~

2 (k) The fee for application for a referral service permit and for
3 renewal of that permit shall not exceed twenty-five dollars (\$25).

4 ~~(m)~~

5 (l) The fee for application for an extramural facility permit and
6 for the renewal of a permit shall not exceed twenty-five dollars
7 (\$25).

8 (m) *The fee for an application for an elective facial cosmetic*
9 *surgery permit shall not exceed four thousand dollars (\$4,000),*
10 *and the fee for the renewal of an elective facial cosmetic surgery*
11 *permit shall not exceed eight hundred dollars (\$800).*

12 (n) *The fee for an application for an oral and maxillofacial*
13 *surgery permit shall not exceed one thousand dollars (\$1,000),*
14 *and the fee for the renewal of an oral and maxillofacial surgery*
15 *permit shall not exceed one thousand two hundred dollars (\$1,200).*

16 (o) *The fee for an application for a general anesthesia permit*
17 *shall not exceed one thousand dollars (\$1,000), and the fee for the*
18 *renewal of a general anesthesia permit shall not exceed six hundred*
19 *dollars (\$600).*

20 (p) *The fee for an onsite inspection and evaluation related to a*
21 *general anesthesia or conscious sedation permit shall not exceed*
22 *four thousand five hundred dollars (\$4,500).*

23 (q) *The fee for an application for a conscious sedation permit*
24 *shall not exceed one thousand dollars (\$1,000), and the fee for the*
25 *renewal of a conscious sedation permit shall not exceed six*
26 *hundred dollars (\$600).*

27 (r) *The fee for an application for an oral conscious sedation*
28 *permit shall not exceed one thousand dollars (\$1,000), and the fee*
29 *for the renewal of an oral conscious sedation permit shall not*
30 *exceed six hundred dollars (\$600).*

31 (s) *The fee for a certification of licensure shall not exceed one*
32 *hundred twenty-five dollars (\$125).*

33 (t) *The fee for an application for the law and ethics examination*
34 *shall not exceed two hundred fifty dollars (\$250).*

35 The board shall report to the appropriate fiscal committees of
36 each house of the Legislature whenever the board increases any
37 fee pursuant to this section and shall specify the rationale and
38 justification for that increase.

39 SEC. 13. *Section 1752.1 of the Business and Professions Code*
40 *is amended to read:*

1 1752.1. (a) The board may license as a registered dental
2 assistant a person who files an application and submits written
3 evidence, satisfactory to the board, of one of the following
4 eligibility requirements:

5 (1) Graduation from an educational program in registered dental
6 assisting approved by the board, and satisfactory performance on
7 a written ~~and practical~~ examination administered by the board.

8 (2) For individuals applying prior to January 1, 2010, evidence
9 of completion of satisfactory work experience of at least 12 months
10 as a dental assistant in California or another state and satisfactory
11 performance on a written ~~and practical~~ examination administered
12 by the board.

13 (3) For individuals applying on or after January 1, 2010,
14 evidence of completion of satisfactory work experience of at least
15 15 months as a dental assistant in California or another state and
16 satisfactory performance on a written and practical examination
17 administered by the board.

18 (b) For purposes of this section, “satisfactory work experience”
19 means performance of the duties specified in Section 1750.1 in a
20 competent manner as determined by the employing dentist, who
21 shall certify to such satisfactory work experience in the application.

22 (c) The board shall give credit toward the work experience
23 referred to in this section to persons who have graduated from a
24 dental assisting program in a postsecondary institution approved
25 by the Department of Education or in a secondary institution,
26 regional occupational center, or regional occupational program,
27 that are not, however, approved by the board pursuant to
28 subdivision (a). The credit shall equal the total weeks spent in
29 classroom training and internship on a week-for-week basis. The
30 board, in cooperation with the Superintendent of Public Instruction,
31 shall establish the minimum criteria for the curriculum of
32 nonboard-approved programs. Additionally, the board shall notify
33 those programs only if the program’s curriculum does not meet
34 established minimum criteria, as established for board-approved
35 registered dental assistant programs, except any requirement that
36 the program be given in a postsecondary institution. Graduates of
37 programs not meeting established minimum criteria shall not
38 qualify for satisfactory work experience as defined by this section.

39 (d) In addition to the requirements specified in subdivision (a),
40 each applicant for registered dental assistant licensure on or after

1 July 1, 2002, shall provide evidence of having successfully
2 completed board-approved courses in radiation safety and coronal
3 polishing as a condition of licensure. The length and content of
4 the courses shall be governed by applicable board regulations.

5 (e) In addition to the requirements specified in subdivisions (a)
6 and (d), individuals applying for registered dental assistant
7 licensure on or after January 1, 2010, shall demonstrate satisfactory
8 performance on a written examination in law and ethics
9 administered by the board and shall provide written evidence of
10 successful completion within five years prior to application of all
11 of the following:

12 (1) A board-approved course in the Dental Practice Act.

13 (2) A board-approved course in infection control.

14 (3) A course in basic life support offered by an instructor
15 approved by the American Red Cross or the American Heart
16 Association, or any other course approved by the board as
17 equivalent.

18 (f) A registered dental assistant may apply for an orthodontic
19 assistant permit or a dental sedation assistant permit, or both, by
20 submitting written evidence of the following:

21 (1) Successful completion of a board-approved orthodontic
22 assistant or dental sedation assistant course, as applicable.

23 (2) Passage of a written examination administered by the board
24 that shall encompass the knowledge, skills, and abilities necessary
25 to competently perform the duties of the particular permit.

26 (g) A registered dental assistant with permits in either
27 orthodontic assisting or dental sedation assisting shall be referred
28 to as an "RDA with orthodontic assistant permit," or "RDA with
29 dental sedation assistant permit," as applicable. These terms shall
30 be used for reference purposes only and do not create additional
31 categories of licensure.

32 (h) Completion of the continuing education requirements
33 established by the board pursuant to Section 1645 by a registered
34 dental assistant who also holds a permit as an orthodontic assistant
35 or dental sedation assistant shall fulfill the continuing education
36 requirements for the permit or permits.

37 (i) *On and after January 1, 2010, the written examination for*
38 *registered dental assistant licensure shall comply with Section*
39 *139.*

(j) The board shall, in consultation with the Office of Professional Examination Services, conduct a review to determine whether a practical examination is necessary to demonstrate the competency of registered dental assistants. The board's review and certification or determination shall be completed by January 1, 2017.

(k) If the board determines that the practical examination is necessary to demonstrate competency of registered dental assistants, the board's review and certification or determination shall be completed and submitted to the appropriate policy committees of the Legislature, and the board may administer, and require, a practical examination for licensure as a registered dental assistant, in accordance with Section 139.

SEC. 14. Section 1752.3 of the Business and Professions Code is repealed.

~~1752.3. (a) On and after January 1, 2010, the written examination for registered dental assistant licensure required by Section 1752.1 shall comply with Section 139.~~

~~(b) On and after January 1, 2010, the practical examination for registered dental assistant licensure required by Section 1752.1 shall consist of three of the procedures described in paragraphs (1) to (4), inclusive. The specific procedures shall be assigned by the board, after considering recommendations of its Dental Assisting Council, and shall be graded by examiners appointed by the board. The procedures shall be performed on a fully articulated maxillary and mandibular typodont secured with a bench clamp. Each applicant shall furnish the required materials necessary to complete the examination.~~

~~(1) Place a base or liner.~~

~~(2) Place, adjust, and finish a direct provisional restoration.~~

~~(3) Fabricate and adjust an indirect provisional restoration.~~

~~(4) Cement an indirect provisional restoration.~~

SEC. 15. Section 1725 of the Business and Professions Code is amended to read:

1725. The amount of the fees prescribed by this chapter that relate to the licensing and permitting of dental assistants shall be established by regulation and subject to the following limitations:

(a) The application fee for an original license shall not exceed twenty dollars (\$20). ~~On and after January 1, 2010, the application~~

1 ~~fee for an original license shall not exceed fifty dollars (\$50). two~~
2 ~~hundred dollars (\$200).~~

3 (b) The fee for examination for licensure as a registered dental
4 assistant shall not exceed ~~fifty dollars (\$50) for the written~~
5 ~~examination and shall not exceed sixty dollars (\$60) for the actual~~
6 ~~cost of the practical examination.~~

7 (c) The fee for application and for the issuance of an orthodontic
8 assistant permit or a dental sedation assistant permit shall not
9 exceed ~~fifty dollars (\$50). two hundred dollars (\$200).~~

10 (d) The fee for the written examination for an orthodontic
11 assistant permit or a dental sedation assistant permit shall not
12 exceed the actual cost of the examination.

13 (e) *The fee for the written examination for a registered dental*
14 *assistant shall not exceed the actual cost of the examination.*

15 ~~(e)~~

16 (f) The fee for the written examination in law and ethics for a
17 registered dental assistant shall not exceed the actual cost of the
18 examination.

19 ~~(f)~~

20 (g) The fee for examination for licensure as a registered dental
21 assistant in extended functions shall not exceed the actual cost of
22 the examination.

23 ~~(g)~~

24 (h) The fee for examination for licensure as a registered dental
25 hygienist shall not exceed the actual cost of the examination.

26 ~~(h)~~

27 (i) For third- and fourth-year dental students, the fee for
28 examination for licensure as a registered dental hygienist shall not
29 exceed the actual cost of the examination.

30 ~~(i)~~

31 (j) The fee for examination for licensure as a registered dental
32 hygienist in extended functions shall not exceed the actual cost of
33 the examination.

34 ~~(j)~~

35 (k) The board shall establish the fee at an amount not to exceed
36 the actual cost for licensure as a registered dental hygienist in
37 alternative practice.

38 ~~(k)~~

39 (l) The biennial renewal fee for a ~~registered dental assistant~~
40 ~~whose license expires on or after January 1, 1991, shall not exceed~~

1 sixty dollars (\$60). On or after January 1, 1992, the board may set
2 the renewal fee for a registered dental assistant license, registered
3 dental assistant in extended functions license, dental sedation
4 assistant permit, or orthodontic assistant permit in an amount shall
5 not to exceed eighty two hundred dollars (\$80). (\$200).

6 ~~(t)~~

7 (m) The delinquency fee shall not exceed twenty-five dollars
8 (\$25) or one-half of the renewal fee, whichever is greater. Any
9 delinquent license or permit may be restored only upon payment
10 of all fees, including the delinquency fee. be 50 percent of the
11 renewal fee for the license or permit in effect on the date of the
12 renewal of the license or permit.

13 ~~(m)~~

14 (n) The fee for issuance of a duplicate registration, license,
15 permit, or certificate to replace one that is lost or destroyed, or in
16 the event of a name change, shall not exceed twenty-five one
17 hundred dollars (\$25). (\$100).

18 ~~(n)~~

19 (o) The fee for each curriculum review and site evaluation for
20 educational programs for registered dental assistants that are not
21 accredited by a board-approved agency, or the Chancellor's office
22 of the California Community Colleges shall not exceed one seven
23 thousand four five hundred dollars (\$1,400). (\$7,500).

24 ~~(o)~~

25 (p) The fee for review of each approval application or
26 reevaluation for a course that is not accredited by a board-approved
27 agency, agency or the Chancellor's office of the California
28 Community Colleges shall not exceed three hundred dollars (\$300).
29 two thousand dollars (\$2,000).

30 ~~(p) No fees or charges other than those listed in subdivisions~~
31 ~~(a) to (o), inclusive, above shall be levied by the board in~~
32 ~~connection with the licensure or permitting of dental assistants,~~
33 ~~registered dental assistant educational program site evaluations~~
34 ~~and course evaluations pursuant to this chapter.~~

35 ~~(q) Fees fixed by the board pursuant to this section shall not be~~
36 ~~subject to the approval of the Office of Administrative Law.~~

37 ~~(r)~~

38 (q) Fees collected pursuant to this section shall be deposited in
39 the State Dental Assistant Fund.

1 *SEC. 16. Section 2841 of the Business and Professions Code*
2 *is amended to read:*

3 2841. (a) There is in the Department of Consumer Affairs a
4 Board of Vocational Nursing and Psychiatric Technicians of the
5 State of California, consisting of 11 members.

6 (b) Within the meaning of this chapter, “board,” or “the board,”
7 refers to the Board of Vocational Nursing and Psychiatric
8 Technicians of the State of California.

9 (c) This section shall remain in effect only until January 1, 2016,
10 2018, and as of that date is repealed, unless a later enacted statute,
11 that is enacted before January 1, 2016, deletes or extends that date.
12 ~~repealed.~~ Notwithstanding any other provision of law, the repeal
13 of this section renders the board subject to review by the
14 appropriate policy committees of the Legislature.

15 *SEC. 17. Section 2847 of the Business and Professions Code*
16 *is amended to read:*

17 2847. (a) The board shall select an executive officer who shall
18 perform duties as are delegated by the board and who shall be
19 responsible to it for the accomplishment of those duties.

20 (b) The person selected to be the executive officer of the board
21 shall be a duly licensed vocational nurse under this chapter, a duly
22 licensed professional nurse as defined in Section 2725, or a duly
23 licensed psychiatric technician. The executive officer shall not be
24 a member of the board.

25 (c) With the approval of the Director of Finance, the board shall
26 fix the salary of the executive officer.

27 (d) The executive officer shall be entitled to traveling and other
28 necessary expenses in the performance of his or her duties. He or
29 she shall make a statement, certified before a duly authorized
30 person, that the expenses have been actually incurred.

31 (e) This section shall remain in effect only until January 1, 2016,
32 2018, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, 2016, deletes or extends that date.
34 ~~repealed.~~

35 *SEC. 18. Section 2894 of the Business and Professions Code*
36 *is amended to read:*

37 2894. (a) All money in the Vocational Nursing and Psychiatric
38 Technicians Fund shall be used to carry out the provisions of this
39 chapter, including the promotion of nursing education in this state,
40 and Chapter 10 (commencing with Section 4500), and for the

1 refund, in accordance with law, of license fees or other moneys
2 paid into the Vocational Nursing and Psychiatric Technicians Fund
3 under the provisions of this ~~chapter~~; *chapter and Chapter 10*
4 (*commencing with Section 4500*).

5 **Claims**

6 (b) *Claims* against the Vocational Nursing and Psychiatric
7 Technicians Fund shall be audited by the Controller, and shall be
8 paid by the Treasurer upon warrants drawn by the Controller.

9 *SEC. 19. Section 4501 of the Business and Professions Code*
10 *is amended to read:*

11 4501. (a) “Board,” as used in this chapter, means the Board
12 of Vocational Nursing and Psychiatric Technicians of the State of
13 California.

14 (b) This section shall remain in effect only until January 1, 2016;
15 2018, and as of that date is ~~repealed, unless a later enacted statute,~~
16 ~~that is enacted before January 1, 2016, deletes or extends that date.~~
17 *repealed.*

18 *SEC. 20. Section 4503 of the Business and Professions Code*
19 *is amended to read:*

20 4503. (a) The board shall administer and enforce this chapter.

21 (b) This section shall remain in effect only until January 1, 2016,
22 2018, and as of that date is ~~repealed, unless a later enacted statute,~~
23 ~~that is enacted before January 1, 2016, deletes or extends that date.~~
24 *repealed.*

25 *SEC. 21. Section 4547 of the Business and Professions Code*
26 *is amended to read:*

27 4547. All expenses incurred in the operation of this chapter *or*
28 *Chapter 6.5 (commencing with Section 2840)* shall be paid out of
29 the Vocational Nursing and Psychiatric Technicians Fund from
30 the revenue received by the board under this chapter *or Chapter*
31 *6.5 (commencing with Section 2840)* and deposited in the
32 Vocational Nursing and Psychiatric Technicians Fund. ~~No part of~~
33 ~~the expenses shall be charged against any funds which are derived~~
34 ~~from any functions of the board provided for in other chapters of~~
35 ~~this code.~~